

HAMILTON
BROOK
SMITH &
REYNOLDS, P.C.

PATENTS, TRADEMARKS
COPYRIGHTS & LITIGATION

530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133
TEL (978) 341-0036
FAX (978) 341-0136
www.hbsr.com

MUNROE H. HAMILTON
(1906-1984)

DAVID E. BROOK
JAMES M. SMITH
LEO R. REYNOLDS
JOHN L. DUPRE
DAVID J. BRODY
MARY LOU WAKIMURA
ALICE O. CARROLL
N. SCOTT PIERCE
SUSAN G. L. GLOVSKY
DOREEN M. HOGLE
ROBERT T. CONWAY
RODNEY D. JOHNSON
DAVID J. THIBODEAU, JR.
ANNE J. COLLINS
TIMOTHY J. MEAGHER
STEVEN G. DAVIS
DEIRDRE E. SANDERS
BRIAN T. MORIARTY

PAUL G. ALLOWAY
MICHAEL J. BADZINSKI
SUMEDHA A. BAHRI
SETH M. CANNON
H. JOON CHUNG
F. JAMES COE
CHRISTINE M. DOE
COLIN C. DURHAM
CAROL A. EGNER
GIOVANNA FESSENDEN
JOSEPH M. MARAIA
MARY K. MURRAY
KEVIN T. SHAUGHNESSY
MARK B. SOLOMON
RALPH TREMENTOZZI
KEITH J. WOOD
MICHAEL M. YAMAUCHI

OF COUNSEL
ELIZABETH W. MATA
DARRELL L. WONG

PATENT AGENTS
SUSAN M. ABELLEIRA
ALEXANDER AKHIEZER
ERIC M. BALICKY
VIVIEN J. TANNOCHE-MAGIN
PAMELA A. TORPEY
ROBERT H. UNDERWOOD

TECHNOLOGY SPECIALISTS
KAMILAH ALEXANDER
THOMAS J. ARRIA
MARIA CEDRONI
KRISTIN A. CONNARN
MICHAEL GOTTSSELIG
JOHN T. HURLEY
SUSAN C. KELLY
SARAH J. RODRIGUEZ
BOOYONG SHIM LIM

MICHAEL KEWESHAN
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE
ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE



CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

11-14-05 *Sandra Jamul*
Date Signature
Sandra Jamul
Typed or printed name of person signing certificate

November 14, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicants: Paul F. Herbert and Michael S. Healy
Application No.: 10/784,474
Filed: February 23, 2004
Confirmation No.: 1733
Title: PRODUCTION SCALE METHOD OF
FORMING MICROPARTICLES
Docket No.: 1733.1009-041

Sir:

Please find enclosed a Terminal Disclaimer, together with the requisite Statement under 37 C.F.R. §3.73(b), for filing in the above-referenced application.

The statutory fee in the amount of \$130.00 for filing the disclaimer is attached. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By *Susan M. Abelleira*
Susan M. Abelleira
Registration No. 42,252
Telephone: (978) 341-0036
Facsimile: (978) 341-0136



DOCKET NO. 1733.1009-041

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

In re Application of: Paul F. Herbert and Michael S. Healy

Application No.: 10/784,474

Filed: February 23, 2004

Confirmation No.: 1733

For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

The owner, Alkermes Controlled Therapeutics, Inc. of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,455,074 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

14 Nov 2005

Date

Claire M. Vasios

Signature

Claire M. Vasios

Typed or printed name

Alkermes Controlled Therapeutics, Inc.

Name of Corporation

11/18/2005 CCHAU1 00000005 10784474

01 FC:1814

130.00 OP

Docket No. 1733.1009-041STATEMENT UNDER 37 C.F.R. § 3.73(b)Inventor(s): Paul F. Herbert and Michael S. HealyApplication No./Patent No.: 10/784,474Filed/Issue Date: February 23, 2004For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLESAlkermes Controlled Therapeutics, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with [] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7567, Frame 0499-502, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: Claire M. VasiosName: Claire M. VasiosTitle: Vice President, Intellectual PropertyDate: 17 May 2005**COPY**